

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE: COOK MEDICAL, INC, IVC FILTERS
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Case No. 1:14-ml-2570-RLY-TAB
MDL No. 2570

This Document Relates to Plaintiff(s)
Stephanie Powe

Civil Case # 3:16-cv-331

SHORT FORM COMPLAINT

COMES NOW the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2570 by reference (Document 213). Plaintiff(s) further show the court as follows:

1. Plaintiff/Deceased Party:

Stephanie Powe

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

4. Plaintiff's/Deceased Party's state of residence at the time of implant:

Pennsylvania

5. Plaintiff's/Deceased Party's state of residence at the time of injury:

Pennsylvania

6. Plaintiff's/Deceased Party's current state of residence:

Pennsylvania

7. District Court and Division in which venue would be proper absent direct filing:

Western District of Pennsylvania, Pittsburgh Division

8. Defendants (Check Defendants against whom Complaint is made):



Cook Incorporated



Cook Medical LLC



William Cook Europe ApS

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____

- a. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

Paragraphs 6-26 (Jurisdiction)

Paragraphs 27-28 (Venue)

- b. Other allegations of jurisdiction and venue:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim

(Check applicable Inferior Vena Cava Filters):

- ☒ Günther Tulip® Vena Cava Filter
- ☐ Cook Celect® Vena Cava Filter
- ☐ Gunther Tulip Mreye
- ☐ Cook Celect Platinum
- ☐ Other:

11. Date of Implantation as to each product:

9/15/2006

12. Hospital(s) where Plaintiff was implanted (including City and State):

UPMC Presbyterian Shadyside, Pittsburgh, PA

13. Implanting Physician(s):

Dr. Hans Christoph Pape, Dr. Juan Carlos Puyana, and/or Dr. Edmunds

14. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Failure to Warn
- ☒ Count II: Strict Products Liability – Design Defect
- ☒ Count III: Negligence
- ☒ Count IV: Negligence Per Se

☒ Count V: Breach of Express Warranty
☒ Count VI: Breach of Implied Warranty
☒ Count VII: Violations of Applicable Pennsylvania (insert State)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices

☐ Count VIII: Loss of Consortium

☐ Count IX: Wrongful Death

☐ Count X: Survival

☒ Count XI: Punitive Damages

☐ Other: _____ (please state the facts supporting
this Count in the space, immediately below)

☐ Other: _____ (please state the facts supporting
this Count in the space, immediately below)

15. Attorney for Plaintiff(s):

Wendy R. Fleishman, Daniel E. Seltz, Annesley H. DeGaris

16. Address and bar information for Attorney for Plaintiff(s):

Annesley H. DeGaris (AL State Bar No. 9182-A63A)
DeGaris Law Group, LLC
3179 Green Valley Road, 235
Birmingham, AL 35243

Wendy R. Fleishman (NY State Bar No. 2500429)

Daniel E. Seltz (NY State Bar No. 4261616)

Lieff Cabraser Heimann & Bernstein, LLP

250 Hudson Street, 8th Floor, New York, NY 10013-1413

Respectfully submitted,

**LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP**

/s/ Wendy R. Fleishman

Wendy R. Fleishman

Daniel E. Seltz

**LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP**

250 Hudson Street, 8th Floor

New York, NY 10013-1413

Phone: (212) 355-9500

Fax: (212) 355-9592

wfleishman@lchb.com

dseltz@lchb.com

Annesley H. DeGaris

DEGARIS LAW GROUP, LLC

3179 Green Valley Road, 235

Birmingham, AL 35243

Phone: (205) 558-9000

Fax: (205) 647-3354

adegaris@degarislaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2016 a copy of the foregoing was served electronically and notice of the service of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system. A copy of the foregoing was also served via U.S. Mail to the following non-CM/ECF participants:

Irwin B. Levin
Cohen & Malad, LLP
One Indiana Square, #1400
Indianapolis, IN 46204

Cliff W. Marcek
Cliff W. Marcek, P.C.
700 South Third Street
Las Vegas, NV 89101

Bard K. Brian
222 Kentucky Avenue, Suite 10
Paducah, KY 42001

Jay Harris
Harris, Reny & Torzewski
Two Maritime Plaza, 3rd Floor
Toledo, OH 43604

Brian J. Urban
Law Offices of Anthony Urban, P.C.
474 N. Centre Street, Third Floor
Pottsville, PA 17901

Justin Kyle Brackett
Tim Moore, Attorney at Law, P.A.
305 East King Street
Kings Mountain, NC 28086

Charles Rene Houssiere, III
Houssiere Durant & Houssiere, LLP
1990 Post Oak Blvd., Suite 800
Houston, TX 77056-3812

Marian S. Rosen
Rosen & Spears
5075 Westheimer, Suite 760
Houston, TX 77056

Corrie Johnson Yackulic
Corrie Yackulic Law Firm PLLC
315 5th Avenue South, Suite 1000
Seattle, WA 98104-2682

Peter C. Wetherall
Wetherall Group, Ltd.
9345 W. Sunset Road, Suite 100
Las Vegas, NV 89148

George Jerre Duzane
Duzane, Kooperman & Mondelli
603 Woodland Street
Nashville, TN 37206-4211

Thomas H. Terry, III
619 Calhoon Road
Bay Village, OH 44140

Joseph A. Napiltonia
Law Office of Joe Napiltonia
213 Third Avenue North
Franklin, TN 37064

Robert M. Hammers, Jr.
Jason T. Schneider, P.C.
611-D Peachtree Dunwoody Road
Atlanta, GA 30328